

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUDITH THIBEAU
and GEORGE THIBEAU,

Plaintiffs,

V.

UNITED STATES OF AMERICA and EAST
BOSTON NEIGHBORHOOD HEALTH CENTER
CORPORATION,

Defendants.

C.A. No. 1:04-cv-10643-MLW

JOINT MOTION BY THE PARTIES TO RESCHEDULE STATUS CONFERENCE AND
EXTEND TIME FOR THE UNITED STATES TO FILE OPPOSITION

The parties hereby respectfully request that the Court enter an order rescheduling the February 13, 2006 status conference on or after February 27, 2006 and extending the time for the United States to file an opposition to the Plaintiff's Motion to Compel Discovery.

In support the parties say:

1. The Plaintiffs, East Boston Community Health Center's property insurer, Chubb Insurance, and Denis Buchieri have reached a settlement. Settlement discussions between the United States and the Plaintiffs, however, have not resulted in settlement; and therefore, those claims will be tried before the Court.

2. Counsel for the Plaintiffs and the United States both have a scheduling conflict for status conference scheduled for February 13, 2006; therefore respectfully request that status conference be rescheduled for some date on or after February 27.

2006.

3. Moreover, the Plaintiffs filed a Motion to Compel Discovery. The Plaintiffs and the United States have resolved most of the issues raised by that motion. The only issue that remains is whether the Court should strike Dr. Richard Price's video taped deposition, a witness for the United States, from being introduced at trial because the United States has not produced a written incident report he testified to writing. The parties request that the Court extend the time to Friday, February 17, 2006 for the United states to file an opposition on that issue.

4. Tory Weigand, counsel for East Boston Community Health Center and Denis Buchieri, assent to the allowance of this motion.

WHEREFORE, the parties respectfully request that the court enter an order (1)rescheduling the February 13, 2006 status conference for a date on or after February 27, 2006, and (2)

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extend time to February 17, 2006 for the United States to file an opposition to the Plaintiffs' Motion to Compel Discovery.

Respectfully submitted,

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